UNITED STATES PATENT AND TRADEMARK OFFICE

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10/788,522	02/26/2004	Abhay Rangnekar	40921-0002	6878

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 January 2008*.
2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6,9-23 and 26-37* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-6,9-23 and 26-37* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Status of the Claims

1.   Claims 1-37 and 62-65 were previously pending in this application. Claims 1, 2, 4, 5, 9-14, 17-23, and 28-29 were amended, and claims 7, 8, 24-25, and 62-65 were canceled in the reply filed January 17, 2008. Claims 1-6, 9-23, and 26-37 are currently pending in this application.

Response to Arguments

2.   Applicant's amendments overcome the objection made to the claims for containing unbracketed reference characters and it is withdrawn.

3.   Applicant's amendments additionally overcome the objections made to claims 1, 18, 22, and 23 and these are withdrawn.

4.   Applicant's amendments overcome the rejections made to claims 4 and 29 under § 112, second paragraph, and these are withdrawn.

5.   Applicant's arguments with respect to the rejections made under §§ 102(b) and 103(a) are unpersuasive. Applicant argues that Sehr is not sufficient to teach entering a booking query into an ATM and "that the Examiner has conflated two unrelated pieces of information in an attempt to read the disclosure of Sehr onto claim 1." Remarks, page 7. Examiner respectfully disagrees and maintains that the broad and comprehensive disclosure of Sehr fully anticipates claim 1. It is not clear how these pieces of information are to be considered "unrelated" as they are both present in the same reference. A reference may be relied upon for all that it would have reasonably suggested to one having ordinary skill the art, including nonpreferred embodiments. *Merck & Co. v. Biocraft Laboratories*, 874 F.2d 804, 10 USPQ2d 1843 (Fed. Cir.), *cert. denied,* 493 U.S. 975 (1989). "The use of patents as references is not limited to what the patentees describe as their own inventions or to the problems with which they are concerned. They are part of the literature of the art, relevant for all they contain." *In re Heck*, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting *In re Lemelson*, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).

Moreover, even absent the explicit references to ATMs in Sehr, any alleged difference between the claimed ATM and the terminals described in Sehr is illusory. Identity of terminology in a prior art reference is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). Applicant argues that claim 1 does not read on Sehr because "Sehr discloses that the 'passenger card' is a variety of smart card with embedded electronics that requires a special card reader, well beyond the capabilities of a conventional ATM." Remarks, page 9. However, the conclusion does not follow that Sehr is deficient to teach all elements of claim 1 because it teaches greater functionality than the claimed invention. The claims also do not recite a "conventional" ATM, so it is unclear as to why applicant would require the cited reference to only disclose a "conventional" ATM. Accordingly, examiner maintains that Sehr properly anticipates claim 1.

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7.   Claims 1-6, 9-21, 23, 26-28, 30-35, and 37 are rejected under 35 U.S.C. 102(b) as being anticipated by Sehr, U.S. Pat. No. 6,085,976 (Reference A of the PTO-892 part of paper no. 20070702).

8.   As per claim 1, Sehr teaches a method of booking airline travel at an automatic teller machine (ATM), comprising: entering at least one booking query at an ATM interface by a customer (column 1, line 30; column 9, line 23); gathering selected booking information in response to the booking query and displaying gathered booking information at the ATM interface (column 9. line 26); selecting a booking from the displayed gathered booking information by the customer at the ATM interface (column

9, line 31); and receiving a confirmation of selected gathered booking information at the
ATM interface (column 19, lines 35-36).

9.   As per claim 2, Sehr teaches the method of claim 1 as described above. Sehr
further teaches the ATM interface includes a display screen and function display keys
(column 8, line 67; column 9, line 3).

10.   As per claim 3, Sehr teaches the method of claim 1 as described above. Sehr
further teaches registering the customer with a host (column 4, lines 27-28).

11.   As per claim 4, Sehr teaches the method of claim 1 as described above. Sehr
further teaches a host gathers the selected booking information (column 5; lines 58-59).

12.   As per claim 5, Sehr teaches the method of claim 4 as described above. Sehr
further teaches directing the gathered booking information by the host to the ATM
(column 4, lines 42-43; column 6, line 8).

13.   As per claim 6, Sehr teaches the method of claim 3 as described above. Sehr
further teaches the customer completes a customer profile upon registration with the
host (column 9, lines 16-17; column 14, lines 20-24).

14.   As per claim 9, Sehr teaches the method of claim 3 as described above. Sehr
further teaches displaying a list of departure cities by the host at the ATM interface in
response to a request by the customer to book an airline ticket (column 9, lines 23-24).

15.   As per claim 10, Sehr teaches the method of claim 9 as described above. Sehr
further teaches selecting by the customer at the ATM interface a departure city from the
list of departure cities (column 9, lines 23-24).

16.   As per claim 11, Sehr teaches the method of claim 9 as described above. Sehr
further teaches displaying a list of destination cities by the host at the ATM interface
(column 9, lines 23-24).

17.   As per claim 12, Sehr teaches the method of claim 9 as described above. Sehr
further teaches selecting a class of travel by the customer at the ATM interface (column
9, lines 54-55).

18.   As per claim 13, Sehr teaches the method of claim 9 as described above. Sehr further teaches selecting a type of travel by the customer at the ATM interface defined as one way, round way and multiple stop over (column 39, lines 43-44).

19.   As per claim 14, Sehr teaches the method of claim 9 as described above. Sehr further teaches displaying an itinerary by the host of the airline ticket booking at the ATM interface (column 9, line 26).

20.   As per claim 15, Sehr teaches the method of claim 14 as described above. Sehr further teaches the itinerary is editable by the customer (column 9, lines 37-38).

21.   As per claim 16, Sehr teaches the method of claim 14 as described above. Sehr further teaches checking availability of the itinerary of the airline booking by the host (column 9, lines 26, 60-61).

22.   As per claim 17, Sehr teaches the method of claim 16 as described above. Sehr further teaches displaying availability of the itinerary of the airline booking by the host at the ATM interface (column 9, lines 56-57).

23.   As per claim 18, Sehr teaches the method of claim 17 as described above. Sehr further teaches booking the itinerary of the airline booking by the customer at the ATM interface (column 9, lines 58-59).

24.   As per claim 19, Sehr teaches the method of claim 18 as described above. Sehr further teaches entering a method of payment for the itinerary of the airline booking by the customer at the ATM interface (column 10, line 26).

25.   As per claim 20, Sehr teaches the method of claim 1 as described above. Sehr further teaches entered selected booking information airline travel information is selected from at least one of a departure city, a destination city, and a class of travel (column 9, lines 23-24).

26.   As per claim 21, Sehr teaches the method of claim 1 as described above. Sehr further teaches the gathered booking information includes airline travel information selected at least one of a departure city from a list of departure cities, a destination city from a list of destination cities, class of travel, and a fare (column 9, line 27).

27.   As per claim 23, Sehr teaches the method of claim 1 as described above. Sehr further teaches receiving a confirmation of selected gathered booking information provides a confirmation between an airline and a customer (column 15, lines 56-57).

28.   As per claim 26, Sehr teaches the method of claim 1 as described above. Sehr further teaches the gathered booking information includes a plurality of airline flight schedules and a plurality of airline fares (column 9, lines 26-27).

29.   As per claim 27, Sehr teaches the method of claim 1 as described above. Sehr further teaches entering a customer identifier at the ATM prior to entering the desired booking information (column 10, line 1).

30.   As per claim 28, Sehr teaches the method of claim 1 as described above. Sehr further teaches the booking is one of a book and hold and a book and issue (column 9, line 10).

31.   As per claim 30, Sehr teaches the method of claim 1 as described above. Sehr further teaches debiting an account of the customer for purchased bookings (column 10, line 36).

32.   As per claim 31, Sehr teaches the method of claim 30 as described above. Sehr further teaches reversing debiting of the account if the purchased bookings are cancelled within a guideline (column 8, line 19).

33.   As per claim 32, Sehr teaches the method of claim 30 as described above. Sehr further teaches the account of the customer is selected from at least one of a checking account, savings account and a credit card account (column 10, line 28).

34.   As per claim 33, Sehr teaches the method of claim 1 as described above. Sehr further teaches selecting the booking creates a transaction between the customer and a booking provider (column 9, line 10).

35.   As per claim 34, Sehr teaches the method of claim 33 as described above. Sehr further teaches reversing the booking (column 7, line 49).

36.   As per claim 35, Sehr teaches the method of claim 1 as described above. Sehr further teaches the confirmation of selected gathered booking information includes a travel itinerary (column 39, line 44).

37.   As per claim 37, Sehr teaches the method of claim 1 as described above. Sehr

further teaches selecting by the customer a financial institution for payment of

purchased bookings (column 10, line 26).

Claim Rejections - 35 USC § 103

38.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

39.   Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sehr in

view of DeMarcken, U.S. Pat. Pub. No. 2004/0078251 (Reference C of the PTO-892

part of paper no. 20070702).

40.   As per claim 22, Sehr teaches the method of claim 1 as described above. Sehr

further teaches creating a first response to the booking query by the provider system

(column 9, line 26); sorting the first response by the host system to create the gathering

of information (column 9, line 26; Examiner is interpreting compiling into a set as

"sorting"); and providing the gathered booking information to the ATM for review by the

customer (column 9, line 26). Sehr does not explicitly teach formatting the at least one

booking query by the host system as a string of commands that the provider system can

interact with; which is taught by DeMarcken (¶ 0019). It would have been prima facie

obvious to one having ordinary skill in the art at the time of invention to incorporate the

above teachings of DeMarcken into the method taught by Sehr in order to reduce

response time (as taught by DeMarcken; ¶ 0005).

41.   Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sehr in

view of Griffin, et al., U.S. Pat. No. 5,422,809 (Reference A of the attached PTO-892).

42.   As per claim 29, Sehr teaches the method of claim 1 as described above. Sehr

does not teach providing a help line to assist in bookings; which is taught by Griffin (col.

5, lines 20-30). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate the above teachings of Griffin into the method taught by Sehr because this is merely a combination of old elements. In the combination each element would have performed the same function as it did separately, and one skilled in the art would have recognized that the results of the combination were predictable and obtainable through routine engineering.

43.   Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sehr in view of Official Notice.

44.   As per claim 36, hr teaches the method of claim 1 as described above. Sehr does not explicitly teach the confirmation of selected gathered booking information includes an option to purchase or cancel. Official Notice was previously taken and not contested that it is old and well-known in the art of bookings to include an option to purchase or cancel. It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate the above finding of Official Notice into the method taught by Sehr, for example, to give the customer a final chance to accept or not accept the booking.

Conclusion

45.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

        A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

46.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL P. VETTER whose telephone number is (571)270-1366. The examiner can normally be reached on Monday through Thursday from 8am to 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JOHN W HAYES/
Supervisory Patent Examiner, Art Unit 3628